

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Alan Doane, on February 23, 2017 at 8:00 AM, in Room 137  
Capitol

#### ROLL CALL

**Members Present:**

Rep. Alan Doane, Chair (R)  
Rep. Seth Berglee, Vice Chair (R)  
Rep. Laurie Bishop (D)  
Rep. Bob Brown (R)  
Rep. Jennifer Eck (D)  
Rep. Bill Harris (R)  
Rep. Casey Knudsen (R)  
Rep. Theresa Manzella (R)  
Rep. Dale Mortensen (R)  
Rep. Zac Perry (D)  
Rep. Lola Sheldon-Galloway (R)  
Rep. Barry Usher (R)  
Rep. Kirk Wagoner (R)

**Members Excused:**

Rep. Virginia Court, Vice Chair (D)  
Rep. Kathy Kelker (D)  
Rep. Ellie Hill Smith (D)  
Rep. Nate McConnell (D)  
Rep. Matt Regier (R)  
Rep. Shane A. Morigeau (D)

**Members Absent:** None

**Staff Present:** Sara Fleming, Committee Secretary  
Helen Thigpen, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 518, 2/17/2017; HB 521, 2/17/2017; HB 522, 2/17/2017; HB 527, 2/17/2017; HB 537, 2/17/2017  
Executive Action: HB 527, HB 479, HB 480, HJ 10

**HEARING ON HB 527**

**Opening Statement by Sponsor:**

00:02:05 Rep. Tom Jacobson (D), HD 21, opened the hearing on HB 527, Revise tow truck driver qualification.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:02:49 Rep. C. Knudsen

00:03:07 Rep. Jacobson

**Closing by Sponsor:** None

**EXECUTIVE ACTION ON HB 527**

00:03:16 **Motion:** Rep. Berglee moved that **HB 527 BE TABLED**. Motion was without objection.

**HEARING ON HB 521**

**Opening Statement by Sponsor:**

00:03:34 Rep. Jeff Essmann (R), HD 54, opened the hearing on HB 521, Revise laws related to representation of LLC.

00:05:51 Rep. Regier joined the meeting

00:05:58 Rep. Morigeau joined the meeting

**Proponents' Testimony:** None

**Opponents' Testimony:**

00:06:17 Bruce Spencer, Montana State Bar

00:08:05 Rep. Kelker joined the meeting

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:13:37 Rep. C. Knudsen

00:13:56 Bruce Spencer, Montana State Bar

00:14:51 Rep. Wagoner

00:15:02 Rep. Essmann

00:16:22 Rep. Usher

00:16:43 Rep. Essmann

00:16:53 Rep. Usher

00:17:15 Bruce Spencer, Montana State Bar

00:19:27 Rep. Harris

00:20:06 Rep. Manzella

00:20:41 Rep. Essmann  
00:21:34 Rep. Sheldon-Galloway  
00:22:01 Rep. Essmann

**Closing by Sponsor:**

00:23:10 Rep. Essmann

**HEARING ON HB 522****Opening Statement by Sponsor:**

00:25:46 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 522, Provide for qualified immunity for U.S. border patrol agents.

**Proponents' Testimony:**

00:30:20 John South, Havre Sector Border Control  
00:37:35 Rep. McConnell joined the meeting  
00:44:59 Brian Kunz, Four Directions Drug Task Force, Scolby Police Department  
00:52:32 Tim Lingle, Self  
00:52:51 Dave Galt, Montana Sheriffs and Peace Officers Association  
00:53:03 Jessie Luther, Association of Montana Troopers  
00:53:21 Mark Murphy, Montana Association of Chiefs of Police (MACOP)  
00:53:45 Jerry Williams, Montana Police Protective Association  
00:54:02 Rep. A. Knudsen

**Opponents' Testimony:**

00:54:31 Brian Miller, Self  
01:05:32 SK Rossi, American Civil Liberties Union (ACLU)  
01:08:17 Rachael Carroll Rivas, Montana Human Rights Network  
01:09:49 Abigail St. Lawrence, Montana Association of Christians (MAC), Gallatin Interfaith Alliance

**Informational Testimony:** None**Questions from Committee Members and Responses:**

01:11:47 Rep. Harris  
01:14:39 Brian Miller, Self  
01:15:19 Rep. McConnell  
01:16:15 Brian Miller, Self  
01:16:48 Rep. Kelker  
01:17:47 Mark Murphy, MACOP  
01:19:26 Rep. Berglee  
01:19:57 Rep. Lavin  
01:20:55 Rep. B. Brown  
01:21:25 Rep. Lavin  
01:22:17 Rep. Usher  
01:23:00 John South, Havre Sector Border Control  
01:24:02 Rep. Eck  
01:24:35 Brian Miller, Self  
01:25:09 Rep. Morigeau  
01:25:57 Brian Miller, Self

**Closing by Sponsor:**

01:26:55 Rep. Lavin

01:30:01 Recess

01:36:57 Reconvene

**HEARING ON HB 537**

**Opening Statement by Sponsor:**

01:37:08 Rep. Willis Curdy (D), HD 98, opened the hearing on HB 537, Generally revise state probate laws.

**Proponents' Testimony:**

01:38:30 Lon Dale, Self

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

01:45:27 Rep. Curdy

**HEARING ON HB 518**

**Opening Statement by Sponsor:**

01:46:21 Rep. Nate McConnell (D), HD 89, opened the hearing on HB 518, Establish Montana Biometric Information Privacy Act.

**Proponents' Testimony:**

01:48:31 Tucker Finley, Montana Public Interest Research Group

01:49:48 Katie Sullivan, Self

[EXHIBIT\(juh40a01\)](#)

[EXHIBIT\(juh40a02\)](#)

[EXHIBIT\(juh40a03\)](#)

01:55:26 Topher Williams, Self

01:57:05 SK Rossi, American Civil Liberties Union (ACLU)

**Opponents' Testimony:**

01:57:43 Brad Griffin, Montana Retail Association (MRA)

01:59:00 Jessie Luther, Verizon Wireless

[EXHIBIT\(juh40a04\)](#)

02:01:32 Aidan Myhre, AT&T, Charter Communications

02:04:08 John Bemis, Centurylink

[EXHIBIT\(juh40a05\)](#)

02:06:37 Jim Brown, Montana Independent Bankers Association  
[EXHIBIT\(juh40a06\)](#)

02:09:31 Steve Turkiewicz, Montana Bankers Association

02:13:05 Shelby DeMars, Internet Coalition

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:13:58 Rep. B. Brown  
02:14:57 Rep. McConnell  
02:16:32 Rep. C. Knudsen  
02:17:10 Rep. McConnell  
02:18:12 Rep. Court  
02:18:23 Rep. McConnell

**Closing by Sponsor:**

02:19:01 Rep. McConnell

**Committee Business:**

02:19:36 Chair Doane  
02:20:17 Rep. Bishop  
02:20:40 Chair Doane  
02:21:11 Rep. Court  
  
02:21:37 Recess  
02:48:44 Reconvene

**EXECUTIVE ACTION ON HJ 10**

02:49:10 Helen Thigpen, Legislative Services Division (LSD)

02:49:24 **Motion:** Rep. Berglee moved that **HJ 10 DO PASS.**

**Discussion:**

02:49:31 Rep. Hill Smith

02:50:13 **Vote:** Motion failed unanimously by roll call vote. Rep. Wagoner voted by proxy.

02:51:30 **Motion:** Rep. Court moved that **HJ 10 BE TABLED.** Motion was without objection.

**EXECUTIVE ACTION ON HB 480**

**Discussion:**

02:51:46 Helen Thigpen, LSD

02:52:10 **Motion:** Rep. Berglee moved that **HB 480 DO PASS.**

**Discussion:**

02:52:22 Rep. Bishop

02:53:06 Rep. Harris

02:53:33 **Substitute Motion/Vote:** Rep. Berglee moved that **HB 480 BE TABLED**. Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Wagoner voted by proxy.

**EXECUTIVE ACTION ON HB 479****Discussion:**

02:54:35 Helen Thigpen, LSD

02:54:51 **Motion:** Rep. Berglee moved that **HB 479 DO PASS**.**Discussion:**

02:54:57 Rep. Harris

02:55:37 Chair Doane

02:55:57 Rep. Hill Smith

02:57:55 Chair Doane

02:58:47 Rep. B. Brown

02:59:42 Rep. Bishop

03:01:34 **Vote:** Motion failed 9-10 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Harris, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting aye. Rep. Wagoner voted by proxy.

03:02:40 **Motion:** Rep. Berglee moved that **HB 479 BE TABLED**. Motion carried without objection.

**Committee Business:**

03:03:00 Chair Doane

03:04:40 Rep. McConnell

03:05:47 Chair Doane

03:05:59 Rep. McConnell

03:06:12 Rep. Eck

03:06:06 Chair Doane

03:07:14 Rep. Court

03:07:23 Chair Doane

03:07:50 Rep. McConnell

03:08:07 Helen Thigpen, LSD

03:08:17 Chair Doane

**ADJOURNMENT**

Adjournment: 03:08:48

---

Sara Fleming, Secretary

sf

Additional Documents:

**EXHIBIT([juh40aad.pdf](#))**